United Nations S/2014/344

Security Council

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15 May 2014

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Letter dated 15 May 2014 from the President of the Governing Council of the United Nations Compensation Commission addressed to the President of the Security Council

I am pleased to provide my report as the President of the Governing Council of the United Nations Compensation Commission on the results of the Governing Council's seventy-seventh session, which was held in Geneva on 29 and 30 April 2014. The full text of the conclusions adopted by the Governing Council and additional documentation are attached.* I would however like to highlight a few of the issues discussed during the session.

During the opening plenary meeting, Jordan was elected as one of the Vice-Presidents of the Governing Council, to replace Morocco, which held the vice-presidency for the period 2012-2013. It is recalled that the Republic of Korea holds the other vice-presidency. Delegations from the Governments of Iraq and Kuwait addressed the Council.

With regard to the Follow-up Programme for Environmental Awards, which was concluded at the last session, the Council noted that more than $1 billion in withheld funds and accrued interest had been released to the four participating Governments under the Programme.

With regard to the issue of the arrangements for ensuring deposits are made into the Compensation Fund, the Council noted its continued satisfaction with the transfer of 5 per cent of Iraq's oil revenues and the equivalent of 5 per cent of the value of non-monetary payments to the Compensation Fund and further noted Iraq's commitment to complying with relevant Security Council resolutions.

The Council noted that since the last session, in November 2013, two payments had been made, in January and April 2014, to the State of Kuwait, totalling approximately $2.02 billion, leaving $6.9 billion remaining to be paid to the remaining claim that was submitted by the Government of Kuwait on behalf of the Kuwait Petroleum Corporation. Based on current levels of income to the Fund and recent projections, the outstanding balance is now likely to be paid in full towards the end of 2015. The next quarterly payment under Governing Council decision 267 (2009) is scheduled to be made on 24 July 2014.

* Not included in the present document.

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The Council also heard an update from the Secretariat on ongoing audit activities in relation to the Compensation Commission being undertaken by both the Board of Auditors and the Office of Internal Oversight Services.

The Council had a lengthy discussion regarding Iraq's request, made at the opening plenary meeting, for a copy of the archives of the Compensation Commission and noted that the request had been ongoing for many years. The Council recalled its previous conclusions regarding the request and relevant Governing Council decisions in which the Council determined that the identity of individual claimants is to remain confidential.

Furthermore, and in accordance with the approved records policy of the Compensation Commission, the Council recalled that the majority of claim files had been disposed of, as seven years had passed since payment of the awards. With regard to corporate and government claims, the Council recalled that the Secretariat has provided detailed award information in both electronic and hard copy format in respect of those claims to Iraq on numerous occasions, most recently in late 2013. The Council also noted that the Secretariat would be compiling copies of all panel reports, Governing Council decisions and Security Council resolutions for Iraq's archives.

In its conclusion, the Council requested that the President of the Governing Council write to the Minister for Foreign Affairs of Iraq, reiterating the above and indicating that while unfettered access to the claims records of the Compensation Commission is not possible given the policies of the United Nations and of the Governing Council relating to disposition, access and confidentiality, the Secretariat remains available to assist Iraq with regard to specific queries in relation to claimants before the Iraqi courts who may have received compensation for similar losses from the Commission, bearing in mind the limited information that remains available and the confidential nature of some of that information.

With the Compensation Commission nearing the conclusion of its mandate, the Governing Council also considered issues to be addressed in order to ensure the orderly wind-down of the Commission, which will be a standing item on the Council's agenda for future sessions. In this regard, the Council noted that at the request of the Secretariat, the Office of Internal Oversight Services has conducted an audit on liquidation preparedness of the Compensation Commission and that the matter would be considered by the Council in greater detail at an informal meeting in May 2014.

The next session of the Governing Council will be held on 2 and 3 October 2014.

(*Signed*) Ruth **Stone**
President of the Governing Council

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Security Council

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16 May 2014

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Letter dated 14 May 2014 from the Permanent Representative of the Sudan to the United Nations addressed to the President of the Security Council

Further to my letter dated 12 May 2014 regarding the latest report of the Secretary-General on the activities of the United Nations Regional Office for Central Africa and on the Lord's Resistance Army-affected areas (S/2014/319), particularly the unfounded allegation that the Lord's Resistance Army leader and some of his senior commanders have recently returned to seek safe haven in Sudanese-controlled areas of the Kafia Kingi enclave, please find attached the statement issued by the spokesperson of the Ministry of Foreign Affairs of the Republic of the Sudan (see annex), which reflects the advanced position of the Government of the Republic of the Sudan in combating the Lord's Resistance Army since 2002, and the constructive engagement of the Government of the Republic of the Sudan in all regional initiatives in this regard.

Having brought this to your kind attention, we reiterate the unwavering commitment of the Government of the Republic of the Sudan to continue cooperating fully with all the regional efforts, namely the African Union Task Force, in order to combat the Lord's Resistance Army. I should be grateful if the present letter and its annex were circulated as a document of the Security Council.

(*Signed*) Rahamtalla Mohamed Osman **Elnor**
Permanent Representative

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Annex to the letter dated 14 May 2014 from the Permanent Representative of the Sudan to the United Nations addressed to the President of the Security Council

[Original: Arabic]

Press release

The Ministry has followed the discussions of the Security Council on the item concerning the Central African region. Those discussions culminated in the issuance of a statement by the President of the Security Council on Monday, 12 May 2014 (S/PRST/2014/8). That statement included a reference to a passage in the Secretary-General's report concerning the Lord's Resistance Army (LRA), namely, that credible sources suggest that the LRA leader Joseph Kony and senior LRA commanders have recently returned to seek safe haven in Sudanese-controlled areas of the Kafia Kingi area. In that connection, the Ministry would like to state the following:

First, the Sudan has fought LRA for many years. In 2002, the Sudan concluded an agreement with the Ugandan Government that allowed it to pursue LRA inside Sudanese territory. That agreement was renewed annually until the separation of South Sudan. Many Sudanese civilians and members of the armed forces have fallen victim to LRA attacks over the years.

Second, like the international community, the Sudan unequivocally condemns the atrocities that LRA has committed against civilians, including children and women, and rejects its ideology and practices because they fly in the face of human values and principles and the Sudanese people's morals, ideals and beliefs. The Sudan does not have any links to this terrorist organization and has no interest in allowing it to be present in its territory.

Third, since 2009, the Sudan has been involved in the African Union Regional Cooperation Initiative against LRA, including through its participation in the meetings of the region's ministers of defence that took place in Bangui in 2010, and the meetings of the ministers of defence, the chiefs of staff and security experts that were held in Addis Ababa in 2011-2012. Given that the Sudan does not have borders with Uganda, and in accordance with the classification of LRA-affected areas established by the African Union, the Sudan is an observer member and its role is limited to exchange of information.

Fourth, the Sudan is surprised by the reference in the report of the United Nations Secretary-General regarding the presence of Joseph Kony in Kafia Kingi. The report does not give the source of this information, nor does it indicate how the information was verified. In addition, the Government of the Sudan was not informed in advance of these allegations, in order that it might investigate them and offer its cooperation, particularly given the total cooperation and transparency that the Sudan has demonstrated in responding to this matter.

Fifth, the Sudan reiterates that it is fully prepared to address in all seriousness any documented information and reliable data regarding the presence of LRA members in its territory. It calls on the African Union Commission and African Union Peace and Security Council to verify whether these members are present anywhere in the Sudan, in accordance with the agreed upon mechanisms and arrangements.